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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,317

04/22/2008

Ryoichi Sasano

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

EXAMINER

LARKIN, DANIEL SEAN

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

12/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,317

Applicant(s)

SASANO ET AL.

Examiner

DANIEL S. LARKIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 11-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 10, and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02 June 2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s).

The drawings fail to show the source/reservoir that holds the “different solution” that is added to the fractionated elute, as recited in claim 1, in combination with all of the remaining limitations of the claim.

The drawings fail to show the source/reservoir that holds the “elute” that is introduced to the solid-phase cartridge, as recited in claim 2, in combination with all of the remaining limitations of the claim.

The drawings fail to show the source/reservoir that holds the “derivation reagent” that is added to the elute, as recited in claim 3, in combination with all of the remaining limitations of the claim and claim 1.

The drawings fail to show the source/reservoir that holds the “elute” added to the storage chamber, as recited in claim 4 in combination with all of the limitations of base claim 1.

The drawings fail to show the source/reservoir that holds the solution/elute that is provided to the storage chamber and the source/reservoir that holds the “derivation reagent” that is added to the elute as recited in claim 5 in combination with all of the limitations of the intervening and base claims.

The drawings fail to show the source/reservoir that holds the solution/elute that is distributed by the first and second providing means, as recited in claim 7 in combination with all of the remaining limitations of the claim.

The drawings fail to show the source/reservoir that holds the solution/elute that is distributed by the providing means, as recited in claim 11 in combination with all of the remaining limitations of the claim.

The drawings fail to show the source/reservoir that holds the solution/elute that is distributed by the providing means, as recited in claim 12 in combination with all of the remaining limitations of base claim 11.

The drawings fail to show the source/reservoir that holds the “derivation reagent” that is added to the elute, as recited in claim 15, in combination with all of the remaining limitations of the claim and claim 2.

The drawings fail to show the source/reservoir that holds the “elute” added to the storage chamber, as recited in claim 16 in combination with all of the limitations of base claim 2. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which Applicant may become aware in the specification.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

Claims 1-20 are objected to because of the following informalities:

Re claim 1, claim line 3: The article “a” should be deleted or the term “chromatography” should be corrected to read -- chromatograph --.

Re claim 1, claim line 5: The phrase “the liquid chromatograph” lacks antecedent basis.

Re claim 1, claim line 3: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph --.

Re claim 1, claim line 7: The article “a” should be deleted.

Re claim 2, claim line 3: The article “a” should be deleted or the term “chromatography” should be corrected to read -- chromatograph --.

Re claim 2, claim line 7: The article “a” should be deleted.

Re claim 3, claim line 3: The term “chromatography” should be corrected to read -- chromatograph --.

Re claim 3, claim line 5: Both occurrences of the article “a” should be deleted and replaced with the article -- the -- or the term -- said --.

Re claim 3, claim line 3: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph -- and the article “a” replaced with the article -- the -- or the term -- said --.

Re claim 4, claim line 4: Both occurrences of the article “a” should be deleted and replaced with the article -- the -- or the term -- said --.

Re claim 4, claim line 5: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph -- and the article “a” replaced with the article -- the -- or the term -- said --.

Re claim 5, claim line 6: Both occurrences of the article “a” should be deleted and replaced with the article -- the -- or the term -- said --.

Re claim 5, claim line 7: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph -- and the article “a” replaced with the article -- the -- or the term -- said --.

Re claim 6, claim line 2: The term “of” should be deleted; and the numeral “20” should be corrected to read -- twenty --.

Re claim 7, claim line 4: The phrase “the elute” lacks antecedent basis.

Re claim 8, claim lines 4 and 5: This passage regarding the “second pathway” does not quite make sense. It appears that some term is missing after the term “introduce”. What is “introduced” into the gas chromatograph?

Re claim 9, claim lines 6 and 7: This passage regarding the “second providing state” does not quite make sense. It appears that some term is missing after the term “introducing”. What is “introduced” into the gas chromatograph?

Re claim 10, claim line 3: The phrase “containing no scavenger” should be set apart by -- commas --.

Re claim 11, claim line 8: The phrase “the elute” lacks antecedent basis.

Re claim 12, claim line 6: The term -- being -- should be inserted prior to the term “freely”.

Re claim 14, claim line 3: The phrase “containing no scavenger” should be set apart by -- commas --.

Re claim 15, claim line 3: The term “chromatography” should be corrected to read -- chromatograph --.

Re claim 15, claim line 5: Both occurrences of the article “a” should be deleted and replaced with the article -- the -- or the term -- said --.

Re claim 15, claim line 6: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph -- and the article “a” replaced with the article -- the -- or the term -- said --.

Re claim 16, claim line 4: Both occurrences of the article “a” should be deleted and replaced with the article -- the -- or the term -- said --.

Re claim 16, claim line 5: The article “a” should be deleted; or the term “chromatography” should be corrected to read -- chromatograph -- and the article “a” replaced with the article -- the -- or the term -- said --.

Re claim 17, claim line 3: The phrase “containing no scavenger” should be set apart by -- commas --.

Re claim 18, claim line 3: The phrase “containing no scavenger” should be set apart by -- commas --.

Re claim 19, claim line 3: The phrase “containing no scavenger” should be set apart by -- commas --.

Re claim 19, claim line 4: The article “a” should be corrected to read -- the -- or -- said --.

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Re claim 20, claim line 3: The phrase "containing no scavenger" should be set apart by -- commas --.

Re claim 20, claim line 4: The article "a" should be corrected to read -- the -- or -- said --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 9, 11-16, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, claim line 3: It is not clear what the term "different solution"" is meant to convey? Different from what? How can one utilize a different solution when a first solution or any solution has not been previously recited?

Re claim 1, claim lines 3-4: The phrase "said fractionated elute" lacks antecedent basis.

Re claim 2, claim line 3: The phrase "said fractionated elute" lacks antecedent basis.

Re claim 3, claim line 5: Is this "storage chamber" and "gas chromatograph" different than the one previously recited in claim 1?

Re claim 4, claim lines 4-5: Is this "storage chamber" and "gas chromatograph" different than the one previously recited in claim 1?

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Re claim 5, claim line 6: Is this “storage chamber” and “gas chromatograph” different than the one previously recited in claim 1?

Re claim 9, claim line 2: The phrases “the providing state” and “the first providing state” lack antecedent basis. The previous claims only recite “first and second providing means”. Is the providing state referring to these first and second providing means?

Re claim 9, claim line 5: The phrase “the second providing state” lacks antecedent basis.

Re claim 11, claim line 9: Is this “eluent” provided by the “providing means” the same eluent discussed with respect to claim line 8 and the “solid-phase cartridge”?

Re claim 11, claim line 10: The phrase “the gas chromatograph” lacks antecedent basis.

Re claim 12, claim line 4: Is this “eluent” provided by the “providing means”, discussed with respect to claim 11, different from the eluent discussed with respect to the “solid-phase cartridge” also previously discussed with respect to claim 11?

Re claim 15, claim line 5: Is this “storage chamber” and “gas chromatograph” different than the one previously recited in claim 2?

Re claim 16, claim line 4: Is this “storage chamber” and “gas chromatograph” different than the one previously recited in claim 2?

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art disclose various apparatus that utilize both a liquid chromatograph and a gas chromatograph.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. LARKIN whose telephone number is (571)272-2198. The examiner can normally be reached on 8:30 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Daniel S. Larkin/
Primary Examiner, Art Unit 2856